

5 age thus fixed, the marriage will be a nullity or not, at the option of
6 such party, made known at any time before he or she is six months
7 older than the age thus fixed.

8 Notwithstanding the foregoing, the district court may, when appli-
9 cation is made by parties, one or both of whom are under the age thus
10 fixed and the female of whom is pregnant *or, having given birth to,*
11 *is still in custody of a child,* grant an order authorizing issuance of a
12 marriage license by the clerk of the district court to said applicants
13 and the marriage under such license shall be valid. The records of
14 the court which pertain to such condition of pregnancy shall be sealed
15 and available only to the contracting parties or to any interested
16 party securing an order of court.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

CHAPTER 256†

MARRIAGE LICENSES

S. F. 201

AN ACT relating to the issuance of marriage licenses.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred ninety-five point four (595.4),
2 Code 1971, is amended as follows:

3 595.4 **Age and qualification—verified application—waiting period—**
4 **exception.** Previous to the issuance of any license to marry, the parties
5 desiring such license shall sign and file a verified application with the
6 clerk of the court which application either may be mailed to the parties
7 at their request or may be signed by them at the office of the clerk
8 of the district court in the county in which the license is to be issued.
9 Such application shall set forth at least one affidavit of some competent
10 and disinterested person stating such facts as to age and qualification
11 of the parties as the clerk may deem necessary to determine the com-
12 petency of the parties to contract a marriage. Upon the filing of the
13 application for a license to marry, the clerk of the district court shall
14 file the application in a record kept for that purpose.

15 After expiration of three days from the date of filing the applica-
16 tion by the parties, the clerk shall issue the license if he is satisfied
17 as to the competency of the parties to contract a marriage. If the
18 license has not been issued within one year from the date of the
19 application, the application shall be void and of no effect.

20 A license to marry may be issued prior to the expiration of three
21 days from the date of filing the application for such license in cases
22 of emergency or extraordinary circumstances. An order authorizing
23 the issuance of such license may be granted by a judge of the district
24 court under conditions of emergency or extraordinary circumstances
25 upon application of the parties therefor filed with the clerk of court.
26 No such order may be granted unless the parties have filed an appli-
27 cation for a marriage license in a county within the judicial district.

†See Editor's note, page iii.

28 An application for such order shall be made on forms furnished by the
 29 clerk at the same time the application for the license to marry is made.
 30 If after examining the application for the marriage license the clerk is
 31 satisfied as to the competency of the parties to contract a marriage,
 32 he shall refer the parties to a judge of the district court for action on
 33 the application for an order authorizing the issuance of a marriage
 34 license prior to expiration of three days from the date of filing the
 35 application for the license. The judge shall, if satisfied as to the exist-
 36 ence of an emergency or extraordinary circumstances, grant an order
 37 authorizing the issuance of a license to marry prior to the expiration
 38 of three days from the date of filing the application for the license to
 39 marry. The clerk shall issue a license to marry upon presentation by
 40 the parties of the order authorizing such license to be issued. A fee of
 41 five dollars shall be paid to the clerk at the time the application for the
 42 order is made, which fee shall be in addition to the fee prescribed by
 43 law for the issuance of a marriage license.

1 SEC. 2. Section six hundred six point fifteen (606.15), subsection
 2 twenty-eight (28), Code 1971, is amended by striking such subsection
 3 and inserting in lieu thereof the following:

4 28. For issuing marriage licenses, five dollars each, and for issuing
 5 an application for an order of the district court authorizing the issu-
 6 ance of a license to marry prior to the expiration of three days from
 7 the date of filing the application for the license, five dollars each.

Approved April 1, 1971.

CHAPTER 257

PHYSICAL REQUIREMENTS FOR MARRIAGE LICENSE

H. F. 308

AN ACT relating to physical requirements for marriage license.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred ninety-six point one (596.1),
 2 Code 1971, is amended as follows:

3 **596.1 Examination by physician.** In addition to the requirements
 4 for a marriage license as set out in chapter 595, all persons making
 5 application for license to marry shall, at any time within twenty days
 6 prior to such application, be examined by a duly licensed physician in
 7 this state as to the existence of or freedom from syphilis, and it shall
 8 be unlawful for the clerk of the district court of any county in this
 9 state to issue a license to marry, except as otherwise provided in this
 10 chapter, to any person who fails to present for filing with such clerk
 11 a certificate signed by such physician setting forth that said person
 12 to the proposed marriage is either free from syphilis or not in a stage
 13 whereby it may become communicable as nearly as can be determined
 14 by [a thorough physical examination and] such standard microscopic
 15 and serological tests as are necessary for the discovery of syphilis.

1 SEC. 2. Section five hundred ninety-six point two (596.2), Code
 2 1971, is amended as follows: